



Attorney Docket No.: FA/221

#19  
2-17-03  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hochrein et al. )

Serial No.: 09/401,595 )

Group Art Unit: 1771

Filed: September 22, 1999 )

Examiner: Cheryl Ann Juska

For: Cover For Contained Aerobic  
Treatment of Biodegradable Matter )

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Commissioner of Patents and Trademarks,  
Washington, DC 20231 on January 16, 2003

*Darlene S. McGrath*  
Darlene S. McGrath

Honorable Commissioner of  
Patents and Trademarks  
Washington, DC 20231

January 16, 2003

(date of mailing document)

REQUEST FOR RECONSIDERATION

Dear Sir:

The following comments are provided in response to the Office Action  
dated July 18, 2002.

REMARKS

Claims 10-12 and 15-17 were rejected in an Office Action dated July 18,  
2002. Applicants respectfully request reconsideration of the present application  
in view of the following remarks.

I. The Claims Are Neither Disclosed Nor Suggested by the Cited  
References

Claims 10-12 and 15-17 were rejected under 35 U.S.C. §103(a) as being  
unpatentable over Stover (U.S. Patent 5,208,098) in view of Hintermeyer (U.S.  
Patent 4,924,527) and Lyden (U.S. Patent 5,203,793). Applicants respectfully  
traverse this rejection.

Specifically, it was stated in the Office Action that the previous §102  
rejection over Stover '098 in an earlier Office Action had been overcome by the  
amendment to claim 10, wherein the porous polymeric layer comprises porous  
polytetrafluoroethylene. However, the present §103 rejection relies on  
Hintermeyer '527 and Lyden '793 to show that the THINTEC® waterproof,  
breathable film described in Stover would be an equivalent to GORE-TEX®  
waterproof, breathable film, a known porous PTFE film sold by applicants.

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Accordingly, it was stated that it would be obvious to substitute a PTFE porous film for the porous polymeric film in Stover.

Applicants submit that the GORE-TEX® waterproof, breathable film described in each of Hintermeyer '527 and Lyden '793 would not function in the present cover for the aerobic treatment of biodegradable material, as the GORE-TEX® waterproof, breathable film is not air permeable. The GORE-TEX® film, as described in Hintermeyer and Lyden, is an expanded PTFE membrane with an air-impermeable coating thereon. Accordingly, neither of these references discloses or suggests a laminate having the claimed air permeability of the present invention. As such, the combination set forth in the Office Action does not disclose or suggest the claimed novel combination of features, and applicants submit that this rejection should be withdrawn.

## II. Conclusion

For the foregoing reasons, the present invention as defined by claims 10-12 and 15-17 is neither taught nor suggested by any of the references of record. Accordingly, applicants respectfully submit that these claims are now in form for allowance. If further questions remain, applicants request that the Examiner telephone applicants' undersigned representative before issuing a further Office Action.

Respectfully submitted,

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Date: January 16, 2003